IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

FRIDAY, THE 2ND FEBRUARY 2007 / 13TH MAGHA 1928

WP(C).No. 32123 of 2006(Y)

PETITIONER:

LALJI, PUTHENPARAMBIL,
AZHIKKAL P.O., KARUNAGAPPALLY TALUK.

BY ADV. SRI.A.AHZAR

RESPONDENTS:

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1. STATE OF KERALA, REPRESENTED BY THE CHIEF SECRETARY, SECRETARIAT, THIRUVANANTHAPURAM.

2. DISTRICT COLLECTOR, KOLLAM.

3. TAHSILDAR, KARUNAGAPPALLY TALUK, KARUNAGAPPALLY.

4. VILLAGE OFFICER,(TSUNAMI RELIEF), CHERIAZHIKKAL P.O., ALAPPAD, KARUNAGAPPALLY.

5. JOHN NETTO, LILLIPARAMBIL, AZHIKKAL P.O., OACHIRA, KOLLAM.

BY GOVERNMENT PLEADER - ADV. SMT. SMITHA

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 02/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC 32123/2006

APPENDIX

PETIITONER'S EXHIBITS

EXT.P1 COPY OF THE MEMBERSHIP CARD OF THE PETITIONER NO.1547 DATED 12/11/2005.

EXT.P2 COPY OF THE ORDER OF THE LOK ADALAT DATED 03/04/2005.

EXT.P3 COPY OF THE TAX RECEIPT NO.0153037 DATED 12/08/2005.

EXT.P4 COPY OF THE REPRESENTATION FILED BY THE PETITIONER BEFORE THE 3RD RESPONDENT DATED 01/10/2005.

EXT.P5 COPY OF THE REPORT NO.93/05 DATED 18/10/2005.

EXT.P6 COPY OF THE ORDER NO.N3.2185/06 DATED 30/01/2006 OF THE 2ND RESPONDENT.

// TRUE COPY //

PA TO JUDGE.

jg

C.N.RAMACHANDRAN NAIR, J.

WP(C) No. 32123 of 2006

Dated, this the 2nd day of February, 2007

J U D G M E N T

This writ petition is filed by the petitioner for a direction to the respondents 1 to 4 to pay Tsunami relief to the petitioner by way of construction of house. Even though petitioner made claim and the Lok Adalath approved the same, 5th respondent later filed a complaint that the property in which petitioner is stated to have had his house was purchased from the petitioner by the 5th respondent, nearly six months before Tsunami i.e. on 24/06/2004. Obviously petitioner is not entitled any Tsunami relief as petitioner has sold house six months before Tsunami. Even though petitioner claimed that he is entitled to construction of house in another survey number, there is already a building, which is not effected by any Tsunami. Since petitioner has not suffered loss on account of Tsunami as the purchaser purchased petitioner's property six months back from the petitioner, there is nothing wrong in withdrawing the benefit originally granted by mistake. Therefore, this writ petition is devoid of any merit and is accordingly dismissed.

(C.N.RAMACHANDRAN NAIR, JUDGE.)

jg